

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK ANDERSON,

Defendant.

No. CR08-1332-LRR

**ORDER**

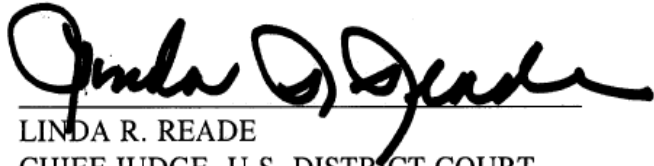
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This matter comes before the court on the defendant's motion to reconsider. The defendant filed such motion on April 2, 2012. The defendant states nothing in his motion that leads the court to a different conclusion. The defendant repeatedly misstates the record. And, the defendant ignores the fact that: (1) in his written plea agreement, he stipulated to being a career offender, (2) the record includes his own sworn grand jury testimony and such testimony clearly establishes that he was involved with large drug quantities, (3) the record makes clear that he withdrew his objections and (4) he faced a statutory minimum of 240 months imprisonment under 21 U.S.C. § 841(b)(1)(A). Moreover, even if the court held him responsible for 4.5 kilograms of cocaine base and did not hold him accountable for the 15 kilograms of powder cocaine and the 3 kilograms of marijuana, the defendant's base offense level under USSG §2D1.1 would still be 36. His adjusted total offense level would be 40 ( $36 + 1 + 2 + 3 - 2 = 40$ ). Similarly, if the court only accounted for the 15 kilograms of powder cocaine, the defendant's adjusted total offense level would be 38 ( $34 + 1 + 2 + 3 - 2 = 38$ ). Both of those adjusted total offense levels reach the same sentencing range when combined with a criminal history category of VI. Because the defendant faces a guideline range of 360 months

imprisonment to life imprisonment, he is not entitled to a reduction in his sentence. Accordingly, the motion to reconsider (docket no. 81) is denied.

**IT IS SO ORDERED.**

**DATED** this 2nd day of April, 2012.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA